

**HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Application for Bail and Suspension of Sentence (IA) No.1 of 2025**

**In**

**Criminal Appeal No. 697 of 2025**

Abhishek ..... Appellant

Vs.

State of Uttarakhand ..... Respondent

Present : Mr. Avidit Noliyal, Advocate for the appellant.

Mr. J.S. Virk, Deputy Advocate General for the State.

**Coram : Hon'ble Ravindra Maithani. J.**

**Hon'ble Siddhartha Sah, J.**

**Hon'ble Ravindra Maithani, J. (Oral)**

Instant appeal is preferred against the judgment and order dated 19.09.2025, passed in Special Trial Case No.174 of 2023, State of Uttarakhand vs. Abhishek, by the court of Additional Sessions Judge/FTSC, Roorkee, District Haridwar. By it, the appellant has been convicted under Sections 376(2)(n), 376(3) IPC and Section 3(a)/4(ii), 5(l)/6 of the Protection of Children from Sexual Offences Act, 2012 and sentenced accordingly. The appellant seeks bail during pendency of the appeal.

2. Heard on Application for Bail and Suspension of Sentence (IA) No.1 of 2025.

3. According to the FIR, on 02.09.2023, the victim a young girl was enticed by the appellant and one Ankur.

4. Learned counsel for the appellant submits that the appellant and the victim, both were in relationship; this is what the victim has stated in her statement during investigation; she has stated that willingly she left her house to meet the appellant.

Learned counsel for the appellant submits that the appellant was on bail during trial.

5. Learned State Counsel submits that the victim is a minor and she has supported the prosecution case. But, he admits that during investigation, the victim has stated that she was in relationship with the appellant and willingly she left her house.

6. Having considered this and other attending factors of this case, we are of the view that it is a case in which the execution of sentence should be suspended and the appellant be enlarged on bail.

7. The bail application is allowed.

8. The execution of sentence, which is under challenge in this appeal shall remain suspended during the pendency of the appeal.

9. Let the appellant be released on bail, during pendency of the appeal on his executing a personal bond and furnishing two reliable sureties, each of the like amount, to the satisfaction of the court concerned.

10. List for final hearing in due course.

(Siddhartha Sah, J.) (Ravindra Maithani, J.)  
25.03.2026